



2877

PTO/SB/21 (modified)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO U.S. Department of Commerce Rev. 10/95		Patent and Trademark Office	Application Number	09/818,199	
		Filing Date	March 26, 2001		
		First Named Inventor	Steven W. Meeks		
		Group Art Unit Number	2877		
		Examiner Name	not yet known		
TRANSMITTAL FORM <i>(to be used for all correspondence during pendency of filed application)</i>		Total Number of Pages in This Submission	1*	Attorney Docket Number	20830-05727

ENCLOSURES *(check all that apply)*

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REMARKS: *total number of pages does not include cited reference.

SIGNATURE OF ATTORNEY OR AGENT

Signature: Nathan S. Huynh
Attorney/Reg. No.: Nathan S. Huynh/Reg. No. 53,052 Dated: 3/24/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature: Mark S. Huynh
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Steven W. Meeks et al.

APPLICATION NO.: 09/818,199

FILING DATE: March 26, 2001

TITLE: Combined High Speed Optical Profilometer And Ellipsometer

EXAMINER: not yet known

GROUP ART UNIT: 2877

ATTY. DKT. NO.: 20830-05727

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

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Nathan S. Huynh, Reg. No. 53,052

COMMISSIONER FOR PATENTS
WASHINGTON, DC. 20231

INFORMATION DISCLOSURE STATEMENT

Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. A copy is enclosed herewith of each listed reference which may be material to the examination of this application, and with respect to which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

The Information Disclosure Statement submitted herewith is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first official action on the merits, whichever event last occurred;
OR
 - before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
 - after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either:
 - (1) a final action under 37 CFR § 1.113; OR
 - (2) a notice of allowance under 37 CFR § 1.311; AND
 - attached hereto is the fee of \$180, as set forth under 37 CFR § 1.17(p), for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.
- OR
- before the payment of the issue fee but after the mailing date of the first to occur of either:
 - [1] a final action under 37 CFR § 1.113; OR
 - [2] a notice of allowance under 37 CFR § 1.311; AND

in accordance with the requirements of 37 CFR § 1.97(d);

- Applicant certifies pursuant to 37 CFR § 1.97(e) that:

- each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
- Applicant hereby respectfully petitions for the consideration of the accompanying Information Disclosure Statement under 37 CFR § 1.97(d)(2); AND
- Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).

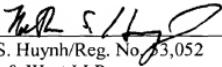
Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).

Applicant submits that no fee is required for the consideration of the accompanying Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
STEVEN W. MEEKS, ET AL.

Dated: 7/24/2003

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W.L. 2 8 2003

Substitute for form 1449A(RTO)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet 1 of 1 Attorney Docket Number 20830-05722

U.S. PATENT DOCUMENTS				
		Document No.		
Examiner Initials*	Cite No.	Number – Kind Code ² (if known)	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-5,880,838	03/09/1999	Marx et al.

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 600.

EXAMINER: Initial all references considered, whether or not citation is in conformance with MPEP 609.

¹Applicant's unique citation designation number (optional).²See *Kinds Codes of USPTO Patent Documents* at www.uspto.gov or MPEP §901.04.³Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3).⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if applicable.

3083/V06840/120/CS/1360058.1